

Case Study Two

Palestinian Case Study: Gas Lighter Factory, October 1999

Dr. Hasan Dweik

Summary of Incident

October 21, 1999 is a landmark in the history of the Palestinian labor movement, women's movement and Palestinian life in general. At around 8.00 a.m., a fire broke out in a gas lighter factory, in the city of Hebron in the southern West Bank.

Fourteen young women were killed, and the corpses were so badly burned that identification of the women was difficult. It was not possible to separate four of them as the fire had glued their corpses together. Twenty other people were injured as a result of inhaling toxic gases. The fourteen dead bodies were all buried in one collective grave in the vicinity of Dora Village as requested by their families.

The mother of two workers at the factory (one of whom was injured and the other of whom died) described the event, saying:

“ At about 8:15 in the morning, I was drinking a cup of milk, and my son came in shouting that the factory where my two daughters work was on fire. I could not think. I left the house running, unaware of what I was going to see. The fire was fierce.... All I remember, from the whole catastrophe was the small pieces of my daughter's dress left stuck to a small piece of her body. She had a difficult life. She was forced to leave school and work to help our family and to provide some financial support to our poor family that was having a hard time to survive on a very low income and under a critical economic situation. My other sons completed high school, and the family could not afford to support their university education.”

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Her other daughter, Naela, who was working at the same factory and escaped the fire, described the tragedy, saying:

“When the supervisor was telling us about our duties for that day, we heard a strange noise downstairs. We all ran down. To our shock, the factory was on fire. Our spontaneous reaction, three of us, was to run out to the street and start screaming and shouting. The people gathered outside the building where the fire was already taking hold.”

At 9:30 a.m., an hour and a half later, the only fire truck available arrived, but it was not in working order due to its age. The fire was getting closer to an electricity power converter. There was no exit out of the factory, and the owner of a local bulldozer passing offered to demolish the front wall of the factory to create an exit. The owner of the building refused. Later the Israeli fire brigade suggested the same action. The owner of the building refused again, and it was only after four hours of hard work by both the Israeli and Palestinian fire brigades and the Palestinian civil defense that they finally managed to put out the fire.

Social and Political Context

On top of the difficulties and disadvantaged position of the Palestinian people, they are also subjected to long-term organized violence. The incremental effect of this is increased vulnerability amongst various population segments, especially women, children and the poor.

What is worse is that the post-Oslo era did not improve the quality of life for most Palestinians. On the contrary, in the absence of coherent laws and measures of law enforcement, the evolving system perpetuated pre-existing improper terms of reference largely based on the tribal/caste system. Political affiliations of individuals and groups have also led to unequal resource distribution and opportunities for the people.

Table 1 below provides a summary of the total number of work injuries for the year 1999 by cause and severity of the injury.

Number of Injuries		Causes of Injuries							Severity of Injury			
District	Number	Physical	Chemical	Biological	Mechanical	Electrical	Falling	Burn	Mild	Moderate	Severe	Death
Jericho	84	26	2	-	23	2	29	2	42	34	8	-
Hebron	146	42	-	-	39	5	42	18	46	79	7	14
Bethlehem	97	23	7	-	28	3	35	1	58	-	36	3
Nablus	123	35	2	-	45	5	32	5	25	23	84	1
Jenin	34	12	-	-	15	-	4	3	10	16	8	-
Tulkarem	58	15	-	-	14	4	25	-	20	16	22	-
Salfeet	19	5	-	-	8	-	4	1	6	11	2	-
Qalqilya	25	12	-	-	10	1	2	-	15	7	3	-
Ramallah * Al-Beireh	9	-	-	-	-	-	9	-	-	4	3	2
Jerusalem	5	1	-	-	3	-	1	-	3	2	-	-
Gaza Strip	228	124	6	-	73	-	10	15	50	93	74	11
Total	828	295	17	-	258	20	193	45	275	275	247	31

Source: Ministry of Labor & Palestinian Trade Union, 2000

Palestinians are governed by at least five types of law: Ottoman-Turkish law, pre-World War I colonial regulations, Jordanian law, Egyptian law, and Israeli military orders.

Collectively and individually, these resulted in the cultivation of a culture where human rights are easily violated at all levels, including the Palestinian institutions and businesses. Consequently there is little incentive to minimize environmental and human risks in the work place.

The case of the Hebron lighter factory accident presents one evident example of this. Fundamental principles of occupational health and safety were overlooked. The workers' human and labor rights were completely violated, taking away the lives of 14 young, lower-class women and injuring tens of others, some of whom were children.

The Factory

The factory was on the ground floor of a four-story building in a densely populated area in the northern part of the city of Hebron. Its owner, Mohammad Walid Abedalrahman Asali, had no legal permit to operate his factory and did not follow any fire regulations. The factory had no fire exit and only one front door, which was usually closed after the arrival of the workers.

The factory was not properly ventilated. It had an internal floor, which was only 1.5 meters high, with men working downstairs and women upstairs in order to ensure that they were kept separate. The factory also employed twenty school boys aged 6-13 years, who would work after school for 50 cents per hour.

The factory had not followed the minimum requirements for occupational health and safety measures and had ignored the safety of its workers.

Direct Cause of the Accident

One of the workers described the accident as follows:

“A box filled with ready manufactured gas lighters fell down from the 12 year old boy who was working in the factory. It caused an explosion in a number of gas lighters and fire broke out fiercely. It started spreading all over the factory, which had closed windows and steel partitions that obstructed and prevented the girls working in the upper floor from running out. What made matters worse was the presence of a large amount of boxes filled with industrial candles used for lighting, large amounts of wool, and huge amounts of inflammable solvents used in the production of cleaning products.”

Legal Status of the Factory

The only permit that the owner had was issued in 1997 enabling him to use the building as storage for refrigerated fruits and vegetables.

It was converted to a factory for the manufacture of cleaning products, without informing the relevant authorities, then again converted to a gas lighter factory that operated without a license. The factory had no records with the ministry of industry or the municipality of Hebron.

The community thought it was a sewing factory, but when workers started work there they reported that it was a multipurpose factory: cleaning products, clay products, mirror manufacturing, shaving raisers and gas lighters.

Response of the Local Community

At the time of the incident there was no legislation fully addressing the health and safety of workers at the workplace. Labor and environment laws were not yet passed by the Palestinian Legislative Council, despite the fact that many governmental and non-governmental organizations were heavily involved in the preparation of draft laws, driven by and concerned about many issues surrounding the workplace.

Included were the following:

- Absence of contingency plans to cope with emergencies.
- Poor coordination and cooperation between and within NGOs and PA bodies in the fields of health, environment, legislation, civil service, and public affairs.
- Poor public health infrastructure and awareness.
- Absence of hazardous chemical response units.

Because of the multidimensional nature of these problems and multiplicity of key actors, it was very difficult to mobilize all those who could help with and reduce the risks of such an accident occurring. The public was aware of these weaknesses and as a result, huge demonstrations broke out in the city of Hebron for a few days after

the incident. Demonstrators were holding black flags and banners demanding:

- The implementation of the law. Demonstrators wanted those responsible to be tried in court and sentenced.
- The resignation of members of the Municipality Council in the city of Hebron.
- More effective enforcement of legislation. This campaign was launched under the banner, the “Battle for Law.”

A commercial strike took place in the city of Hebron and the neighboring villages. The Dora municipality consequently organized an emergency meeting for the 36 municipalities in the West Bank and Gaza. They met to discuss what measures should be taken to prevent such accidents from occurring again.

There was huge debate among the Palestinian society at large, including municipalities, ministries, women’s movements and human rights movements. They put forward many recommendations and demands:

- The Palestinian Legislative Council propose the draft for the Palestinian Labor Law, which was not yet endorsed at the time. The council must take strong measures to enforce the law, in particular laws that deal with occupational hazards, health and safety.
- The Legislative Council must follow up on the findings of the investigatory committee that was established by President Arafat for this accident and try in court all those responsible.
- The owners of factories must provide adequate and proper places for workers to work in a safe and comfortable atmosphere, and take all measures necessary to provide the workers with protective clothing and tools.
- All industrial activities should be moved away from highly populated areas to industrial zones.
- Factories should be prevented from employing children under the age of 16 years.
- The concerned legal authorities (ministries and municipalities) must increase the process of monitoring and adequately implement and enforce legislations related to safety at work.

Response of the Palestinian Authority

The day after the accident, the Palestinian cabinet in its weekly meeting studied the accident in Hebron, and Chairman Arafat decided to establish a ministerial committee to investigate it further. The following were members of the committee in 2000:

- 1-Minister of Industry, Dr. Sadi El-Krunz
- 2-Minister of Local Government, Dr. Saeb Erekat
- 3-Minister of Labor, Mr. Rafiq Natsheh
- 4-Minister of Parliamentary Affairs, Mr. Nabil Amr
- 5-Member representing the police force
- 6-Member representing the Civil Defense

The committee, after a full investigation, expressed its concern on two tracks:

- Ensure that the proper legal actions and procedures are followed in dealing with this tragedy.
- Study in depth and evaluate the status of industry in the city of Hebron, to ensure that proper safety regulations were met and to ensure compliance with these regulations. The committee noted that most industrial activities were at present in highly populated areas or inside houses. It was recommended that this trend be changed.

On track one it was decided that the case will be followed legally in the courts and those responsible will be prosecuted. Secondly, the president on considering the ministerial committee recommendations decided to:

- Ask the Minister of Local Governorate to re-establish the municipality council of Hebron city.
- Create a new post for a judge in the municipality court in Hebron.
- Construct immediately a civil defense building and provide all the equipment necessary for a rapid response to accidents.
- Ask the general safety committee to proceed with their responsibilities.
- Ask the minister of industry to establish the industrial zones away from highly populated areas.
- All factories must re-establish their legal status within three months.
- Accelerate the process of drafting the following laws:
 - Rules and regulations of licensing
 - Law of companies
 - Law of industry
 - Law of environment
 - Law of standards and quality control
 - Law of labor.
- The ministerial committee must verify that the families of the lost women receive proper compensation according to the court rulings.

Lessons Learned

The Ministry of Labor has requested that the Ministry of Industry provide a list of all the industrial activities that operate in Palestine, indicating those that operate with licenses authorized since the establishment of the Palestinian Authority. This list is designed to help inspectors identify these factories and begin the monitoring and verification process. This will ensure that the relevant safety and occupational health measures needed for the different industries are enforced.

Ministers concerned must coordinate a multi-sectarian approach regarding the issues of licensing and permits for industrial activities. They should also be able to monitor and inspect these factories to ensure the enforcement of safety and occupational health regulations.

Studies have shown that more than 70 % of the Palestinian labor force is not

insured against various occupational accidents. Recent studies have also shown that if a worker has an accident resulting in death, then by law their family is only entitled to the sum of their salary for 250 working days. Seeing as the average monthly salary is \$100, the compensation for the loss of life is very low. It is therefore vital that factories provide adequate insurance for their workers. Other recommendations include:

- The establishment of the National Council for Safety, Occupational and Environmental Health.
- The establishment of a committee for occupational safety, health and environment in the working place.
- The development of a national policy and plan for the protection of workers from hazards in the workplace.
- The enforcement of appropriate inspection procedures within the Ministry of Labor.

Who is Responsible?

This was the biggest question that arose after the incident.

Was it the owner of the factory who was responsible for the accident as a result of his desire to increase profits in a short period of time without spending money on an adequate safety in the workplace?

Was it the Ministry of Local Governorate that was responsible due to its authority over the municipalities?

Was it the Ministry of Planning that was responsible for the accident due to its inability to prevent the factory from operating in a highly populated area?

The public expressed its anger against the municipality, as the body responsible for monitoring and verification. The municipality was the city's institution that received the public complaints, and investigated them.

The Government Officials' Perception of Responsibility

The chairman of civil defense in the West Bank stated that it was the owner of the factory who failed to take the appropriate action to ensure the safety of its workers. He had failed to install fire extinguishers and did not ensure that he had the proper license for the factory.

Accusations have also been made against the Minister of Industry and the chairman of the municipality. The chairman of the municipality refused to accept responsibility for the accident. He said that the municipality issued a license for a frozen fruits and vegetables factory, and it was the responsibility of the Ministry of Industry to inspect that factory.

The Minister of Industry said that the responsibility was shared. They claimed that this was not the only incident of its kind in the West Bank and stated that it was the responsibility of the municipalities to coordinate with the Ministry of Industry. They

also restated that the gas lighter factory in Hebron had not been licensed by the Ministry of Industry.

The Ministry of Industry admitted that in order to avoid such disasters it was necessary for coordination between the Ministry of Industry, Labor, Health, Agriculture, Governorates, and Municipalities.

The Owner's Responsibilities

- The factory was operating without the proper license.
- There were no guidelines or regulations provided by the owner for the workers on the proper response in an emergency.
- The owner did not install proper ventilation.
- The doors of the factory were locked immediately after the arrival of all the workers, to hide what was going on inside the factory.
- All inflammable materials were stored inside the factory and close to the workers.
- Boys were employed and exploited in the factory.
- The owner had positioned the factory in a highly populated area.
- The owner of the factory had failed to notify the relevant governmental bodies when he converted the building from a frozen fruit and vegetable store to a gas lighter company.
- The owner of the factory failed to adopt the basic health and safety procedures which relate to the following: environment, building, containers, electrical systems, fire protection equipment and tools, hazardous materials, handling material, personal protective equipment, pressurized equipment, production equipment, personnel support equipment, powered equipment storage facilities, walkway protective guards, safety devices, controls, lifting components, hygiene and first aid facilities.

Responsibilities of the Government Authorities

- To ensure that laws are passed regulating labor practices in the workplace
- To share and coordinate the responsibilities between the ministries, especially in the areas of labor, health, industry and the environment.
- To install an effective system of industrial monitoring and inspection of all industrial activities.
- To ensure the existence of occupational safety and health laws and regulations, as well as their enforcement.
- To provide industrial sites away from densely populated regions.
- To better equip the Palestinian fire brigade with the adequate equipment and tools needed to fight fires in the future.
- To ensure a greater human resource capability, especially when dealing with chemical incidents.
- To strengthen the public health infrastructure through the provision of:

- a. hazardous chemical response units.
- b. specialist laboratories.
- c. contingency plans to cope with various industrial hazards.
- d. advanced coordination and the provision of assessment teams.

Where Do We Stand Today?

In the aftermath of the accident, the families of those involved have been compensated by the Palestinian Authority. A sum of \$1000 per person that perished in the fire was distributed to each family. Of note, the owner of the factory has been taken to court. However the case is presently unresolved due to the lawyers' continuous delays. Not only does the factory now cease to exist, but there has also been a move to process and endorse relevant laws that prevent such an accident from occurring in the future (see appendix for information on these laws).

APPENDIX

The Palestinian Labor Law

Endorsed

APRIL, 30, 2000

Included 141 articles in ten chapters. Some of the relevant articles are below:

Chapter 4

Article (90)

Addresses Occupational Safety and Health. It states that the minister of labor after consultations with the concerned bodies and institutions will recommend and present to the cabinet the special regulations and laws with regard to the occupational health and safety. These include:

- The means of protecting employees from hazards and occupational diseases at the workplace.
- The enforcement of health and safety requirements (set standards, specifications, and conditions necessary to protect workers).
- The provision of first aid facilities for workers.
- The provision of regular medical examinations for employees.

Article (91)

According to law the factory should present special rules and regulations concerning the safety and occupational health of its employees. These rules and regulations must be endorsed by the ministry, and must be displayed in an accessible area within the factory

Article (92)

The owner of the factory shall not force its employees to pay any expenses related to their safety and occupational health.

Article (93)

Prohibits the work of children under 15 years of age and protects children from exploitation.

Articles (94, 95,96,97,98, and 99)

These articles describe the regulations with regard to the employment of children under 15 within hazardous industries, night shift work, the number of working hours and annual vacation.

The Palestinian Environment Law (Number-7), 1999

Endorsed in December, 28, 1999

Addresses 82 Articles in 5 chapters. Below are some of the relevant articles:

Article (11)

Hazardous materials and wastes.

States that the ministry in coordination with other bodies responsible shall present lists of all hazardous materials and wastes.

Article (12)

No one can manufacture, store, distribute, use, treat and dispose of any toxic material liquid, solid or gas without being approved. Consequently they must work in accordance with the rules and regulations set by the ministry and coordinated with other governmental bodies concerned.

Article (14)

Addresses pesticides and fertilizers.

The ministry shall determine environmental requirements and concerns for importing, distributing, manufacturing, using and storing pesticides and chemical fertilizers that pose a threat to the environment.

Article (15)

The ministry shall have advanced coordination with other specialized bodies to establish standards, regulations, and specifications of all agricultural chemicals whether imported, manufactured, or distributed in Palestine and enforce those rules and regulations.

Article (20)

The owner of an industrial industry shall provide all the necessary tools and equipment required for the protection of its employees and those that neighbor the industrial site.

Article (48)

The Ministry of Environment shall issue a permit for the establishment of a factory before the proper licensing is issued from other bodies concerned.